

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MATTHEW J. BYERLY

Plaintiff,

v.

**VIRGINIA POLYTECHNIC
INSTITUTE AND STATE
UNIVERSITY**

Defendant.

)

)

)

)

)

)

)

)

Civil Action No. 7:18-cv-16

ORDER¹

For the reasons set forth in the accompanying memorandum opinion, it is hereby

ORDERED that:

(1) Defendant Virginia Polytechnic Institute and State University's motion to dismiss

(Dkt. No. 20) is **GRANTED**;

(2) The amended complaint is **DISMISSED WITHOUT PREJUDICE**; and

(3) Plaintiff Matthew J. Byerly is granted leave to file a second amended complaint

addressing the deficiencies in the amended complaint within fourteen (14) days of the

date of this order.

It is so **ORDERED**.

Entered: March 21, 2019

Robert S. Ballou

Robert S. Ballou
United States Magistrate Judge

¹ This case is before me by consent of the parties pursuant to 28 U.S.C. § 636(c)(1).